

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Eijiro WATANABE et al.

Application No.: 08/992,914

Confirmation No.: 4405

Filed: December 18, 1997

Art Unit: 1638

For: RAFFINOSE SYNTHASE GENES AND THEIR USE Examiner: D. H. Kruse

MISCELLANEOUS LETTER

MS Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

An IDS was filed on February 11, 1999 in the above referenced Application listing a two references, one as an abstract. In the copy reviewed by the Examiner and returned to Applicants, WO 9849273 A1 was not initialed and was lined through. (Please see attached copy). A handwritten note beside the application number states "was not disclosed with the application." (See attached Form PTO 1449, considered September 13, 1999).

Applicants respectfully request that the Examiner consider the reference, as the office has not provided any valid reason for dismissing it. Applicants provide a clean copy of the original Form PTO 1449 and a copy of the reference and request that the Examiner's consider the reference and return a filly initialed copy of Form PTO 1449.

If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark Office determines that an extension of time is required, Applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due under 37.C.F.R. §§1.16 or 1.17 in connection with the filing of this document to Deposit Account No. 02-2448, referencing docket no. 0020-4348P.

Dated: January 14, 2010

Respectfully submitted,

By 

Mark J. Nuell

Registration No.: 36,623

BIRCH, STEWART, KOLASCH & BIRCH, LLP

12770 High Bluff Drive

Suite 260

San Diego, California 92130

(858) 792-8855

Attorney for Applicant